

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

SIMON GOGOLACK,

Defendant.

23-CR-99-LJV-JJM

NOTICE OF MOTION

MOTION BY:

John J. Morrissey, Assistant Federal Public
Defender

DATE, TIME & PLACE:

Before the Honorable Lawrence J. Vilardo, United
States District Court Judge, Robert H. Jackson
United States Courthouse, 2 Niagara Square,
Buffalo, New York, **on the submitted papers.**

SUPPORTING PAPERS:

Affirmation of Assistant Federal Public Defender
John J. Morrissey, dated June 25, 2025

RELIEF REQUESTED:

Hold in abeyance the reply deadline on Mr.
Gogolack's appeal of Judge McCarthy's order
regarding search warrant discovery pending
resolution of Mr. Gogolack's motion to withdraw

DATED:

Buffalo, New York, June 25, 2025

/s/ John J. Morrissey

John J. Morrissey
Assistant Federal Public Defender
Federal Public Defender's Office
300 Pearl Street, Suite 200
Buffalo, New York 14202
(716) 551-3341, (716) 551-3346 (Fax)
John_Morrissey@fd.org
Counsel for Defendant

TO: Casey Chalbeck, Nicholas Cooper, and Joseph Tripi
Assistant United States Attorneys

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

23-CR-99-LJV-JJM

v.

AFFIRMATION

SIMON GOGOLACK,

Defendant.

JOHN J. MORRISSEY, affirms under penalty of perjury that:

1. I am an Assistant Federal Public Defender for the Western District of New York and was assigned to represent the above-named defendant, Simon Gogolack.

2. Mr. Gogolack appealed Judge McCarthy's decision denying Mr. Gogolack's motion for disclosure of certain search warrant application material absent an affidavit of standing. Dkt. 442. The Court set June 25, 2025, as the deadline to reply. Dkt. 449.

3. Defense counsel recently filed a motion to withdraw because they believe that they have a conflict of interest that requires withdrawing from the case. Dkt.462

4. Mr. Gogolack requests that the Court hold the June 25, 2025, deadline in abeyance until a date in which conflict-free counsel can submit the reply.

5. Defense counsel reached out to the government before filing this motion for their position but did not receive a response. Defense counsel acknowledges that he only reached out several hours before filing this motion, but given the deadline, defense counsel still wished to file this request.

WHEREFORE, Mr. Gogolack requests that the Court hold in abeyance the reply deadline on Mr. Gogolack's appeal of Judge McCarthy's order regarding search warrant discovery pending resolution of Mr. Gogolack's motion to withdraw

DATED: Buffalo, New York, June 25, 2025

Respectfully submitted,

/s/ John J. Morrissey

John J. Morrissey
Assistant Federal Public Defender
Federal Public Defender's Office
300 Pearl Street, Suite 200
Buffalo, New York 14202
(716) 551-3341, (716) 551-3346 (Fax)
John_Morrissey@fd.org
Counsel for Defendant

TO: Casey Chalbeck, Nicholas Cooper, and Joseph Tripi
Assistant United States Attorneys
Western District of New York
138 Delaware Avenue, Federal Centre
Buffalo, New York 14202